

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNY BUFORD,
as Personal Representative of the Estate of
Scottie E. Buford,

Plaintiff,

Case No. 04-72433

v.

Honorable Patrick J. Duggan

CITY OF FLINT, JANE DOES and JOHN
DOES,

Defendants.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 28, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On May 19, 2004, Plaintiff Johnny Buford ("Plaintiff"), as Personal Representative of the Estate of decedent Scottie Buford ("Buford"), filed a five-count complaint against defendants in the Circuit Court for the County of Genesee, State of Michigan after defendants allegedly failed to respond or were slow to respond to a number of 911 phone calls made by Buford's neighbors on August 8, 2002. Plaintiff's complaint alleges (I) gross negligence by all defendants, (II) intentional infliction of emotional distress by all defendants, (III) violations of 42 U.S.C. § 1983 by the City of Flint, (IV) violations of the Michigan Constitution by all defendants, and (V) seeks damages pursuant to the Michigan

Wrongful Death Act, MICH. COMP. LAWS ANN. § 600.2922. On June 25, 2004, Defendants removed the action to this Court pursuant to 28 U.S.C. 1441(a) & (b). This matter is before the Court on Defendants' Motion to Dismiss and Motion for Summary Judgment, filed on May 20, 2005.

For the reasons set forth at a hearing held on July 28, 2005,

IT IS ORDERED that Plaintiff is granted leave to file an amended complaint specifically naming those individuals to which the present complaint refers as "Jane Does and John Does." Such amended complaint shall not add any additional claims against such individual Defendants. Such amended complaint shall be filed **by August 3, 2005**.

IT IS FURTHER ORDERED that Plaintiff's claims against the City of Flint for a violation of 42 U.S.C. § 1983 shall be **DISMISSED**.

IT IS FURTHER ORDERED that upon the filing of Plaintiff's amended complaint, this Court shall enter an Order declining to exercise supplemental jurisdiction over the only remaining claims which are state law claims and shall enter an Order **REMANDING** this action to the Genesee County Circuit Court.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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